1951

File No. B. Provl. Muns. Corporations/51

Legal Depestment.

B. **BRANCH**

Subject:— L.A. Bill No. ~~XXXV~~ of 1951.

A Bill to amend the Bomb

Provincial Municipal Corporations Act,

1949

Bom. Act No.

~~XXVIII~~ of 1951.

File No. B. Provl. Munis. Corporations/51.

Gen. 194 e.

822

Office of the R.L.A.

A requisite draft Bill is sent herewith. Consequential amendments required in sub-paragraph (3) of paragraph 7 and in sub-paragraph (1) of paragraph 10 of Appendix IV to the Bombay Provincial Municipal Corporations Act, 1949, have also been included in the draft Bill.

2. It is pointed out at page 510 of Halsbury's Laws of England, Volume 31, 2nd Edition, that the expression "passing of the Act" refers to the date at which the Royal Assent is given, and not necessarily to the commencement of its operation. The words "the date of the passing of the Act" used in paragraph 7(2) of Appendix IV of the Provincial Municipal Corporations Act refer to the date on which the Act received the assent of the Governor General i.e. 21st December 1949 and not the date on which section 1 came into operation i.e. 29th December 1949.

3. The Bill does not require any sanction or recommendation.

Id/-J.R.D. 11/7
Remembrancer of Legal Affairs.

U.R. to L.S.G. & P.H.D., No. 677-Confl., dated the 12th July 1951.

BKS. 6/7/

No. 178-L

Legal Department,

Council Hall, Poona, 17th September 1951.

From

Shri J.R. Dhurandhar,

Secretary to the Government of Bombay.

To

The Secretary to the Governor of Bombay.

Subject : - The Bombay Provincial Municipal Corporations (Amendment) Bill, 1951.

Sir,

With reference to article 200 of the Constitution of India, I am ~~dx~~ directed to forward herewith for the assent of His Excellency the Governor the authentic copy of the Bombay Provincial Municipal Corporations (Amendment) Bill, 1951, which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council held on the 20th and the 31st August 1951, respectively.

2. The subject-matter of the Bill falls under entry 5 in List II in the Seventh Schedule to the Constitution of India. It is not necessary to reserve the Bill for the consideration of the President with reference to article 31(3) or 254(2) or any other article of the Constitution of India.

3. The date on which His Excellency the Governor's assent is given may kindly be entered in the endorsement.

4. I also forward herewith one copy of eachof the items

1. Bill as introduced in the Bombay Legislative Assembly with the Statement of Objects and Reasons.	: Nos. 1, : 2 and : 4 and

2. Bill as read for the third time and passed by the Bombay Legislative Assembly and as introduced in the Bombay Legislative Council.	:	two copies
3. Bill as read for the third time and passed by the Bombay Legislative Council.	:	of
4. Extracts from the proceedings of the Bombay Legislative Assembly dated the 20th August 1951 and of the Bombay Legislative Council dated the 31st August 1951.	:	item No.3 of the

papers noted in the margin. The Bill was not referred to a Select Committee.

Yours faithfully,

Id/-J.R.D. 17/9
Secretary to Government.

Through:-

The Secretary to the Government of Bombay,
Local Self Government and Public Health Department.

BKS.

6/7.

No. G.S.-2416

From

THE PRIVATE SECRETARY TO THE GOVERNOR OF BOMBAY

To

The Secretary to Government,

Legal Department.

GOVERNMENT HOUSE,

September 22, 1951.

GANESHKHIND,
Poona 7;

Subject: The Bombay Provincial Municipal Corporations (Amendment) Bill, 1951.

Sir,

With reference to your letter No. 178-L, dated September 17, 1951, I am directed to return herewith the authentic copy of the Bombay Provincial Municipal Corporations (Amendment) Bill, 1951, with His Excellency the Governor's assent signified thereon.

Yours faithfully,

Secretary to the Governor.

BKS. 6/7/

Acts.

Publication of the Bombay Provincial Municipal Corporations (Amendment) Act, 1951.

GOVERNEMTN OF BOMBAY.
Legal Department,
Resolution No.212-L

Council Hall, Poona, 24th September 1951.

Letter to the Secretary to the Governor, No.178-L, dated the 17th September 1951.

Letter from the Secretary to the Governor No.G.S.2416, dated the 22nd September 1951:-

"With reference to your letter No.178-L, dated September 17, 1951, I am directed to return herewith the authentic copy of the Bombay Provincial Municipal Corporations (Amendment) Bill, 1951, with His Excellency the Governor' assent signified thereon."

RESOLUTION:- The law should be published as Bombay Act No.XXVIII of 1951, in the Bombay Government Gazette dated the 25th September 1951.

2. The Act should be translated into Marathi, Gujarati, Kannada and Hindi (in Devnagari script) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Local Self Government and Public Health Department.

By order of the Governor of Bombay,

K.J.PATHARE,
A Assistant Secretary to Government.

To

The Manager, Government Central Press, Bombay (with a copy of the Act and with a request that 30 Gazette copies of the Act may be forwarded to the LegalDepartment and 10 copies * to the Local Self Government and Public Health Department),

The Local Self Government and Public Health Department,
The Oriental Translator to Government
The Bombay Legislature Department,
The Director of Publicity, Bombay,
The Enquiry Officer for the Secretariat, Bombay.

} with a copy of the Act.

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* With four extra copies of the Act.

L. A. BILL No. XXXV OF 1951.

A Bill to amend the Bombay Provincial Municipal Corporations Act, 1949.

(As read for the third time and passed by the Legislative Assembly on the 20th August 1951.)

Bom. LIX of 1949.

WHEREAS it is expedient to amend the Bombay Provincial Municipal Corporations Act, 1949, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Provincial Municipal Corporations (Amendment) Act, 1951.

Amendment of Appendix IV to Bom. LIX of 1949.

2. In Appendix IV to the Bombay Provincial Municipal Corporations Act, 1949, in Part II,—

(*1*) in paragraph 7,—

(*a*) to sub-paragraph (2), the following proviso shall be added, namely :—

" Provided that the State Government may by notification in the *Official Gazette* extend the term of office of the councillors for such period, not exceeding in the aggregate two and half years from the date of the passing of this Act, as may be specified in the notification." ;

(*b*) for sub-paragraph (3), the following shall be substituted, namely :—

" (3) If the office of any of the said councillors falls vacant after the coming into force of the Bombay Provincial Municipal Corporations (Amendment) Act, 1951, the vacancy shall not be filled up and no act or proceedings of the Corporation shall be questioned on account of any vacancy thereon."

Bom. of 1951.

(*2*) in paragraph 10, in sub-paragraph (1), after the word and figure " paragraph 7 " the words, brackets and figures " or the period extended under the proviso to the said sub-paragraph (2) of paragraph 7, as the case may be " shall be inserted.

MO-v Bk Hb 160—1

STATEMENT OF OBJECTS AND REASONS.

Under sub-paragraph (2) of paragraph 7 of Appendix IV to the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949), the term of the Municipal Corporation of the City of Ahmedabad as constituted under sub-paragraph (1) of the same paragraph, expires on the 20th December 1951 and elections to the Corporation would have to be held a few weeks before that date. As the General Elections to the Parliament and the State Legislature are likely to be held at about the same time, it is necessary to postpone the elections to the Municipal Corporation of Ahmedabad. It is accordingly proposed to amend sub-paragraph (2) of paragraph 7 of Appendix IV so as to enable the State Government to extend the term of the Corporation for a period not exceeding six months. The amendments to sub-paragraph (3) of paragraph 7 and sub-paragraph (1) of paragraph 10 are consequential to the amendment to sub-paragraph (2) of paragraph 7.

Dated the 7th August 1951.

G. D. VARTAK.

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XXXV OF 1951.]

(As read for the third time and passed by the Legislative Assembly on the 20th August 1951.)

A Bill to amend the Bombay Provincial Municipal Corporations Act, 1949.

[SHRI G. D. VARTAK, M.L.A.]

MO-v Bk Hb 160—2

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

125

L. A. BILL No. XXXV OF 1951.

A Bill to amend the Bombay Provincial Municipal Corporations Act, 1949.

(As read for the third time and passed by the Legislative Assembly on the 20th August 1951.)

(As read for the third time and passed by the Legislative Council on the 31st August 1951.)

Bom. LIX of 1949.

WHEREAS it is expedient to amend the Bombay Provincial Municipal Corporations Act, 1949, for the purposes hereinafter appearing ; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Provincial Municipal Corporations (Amendment) Act, 1951.

Bom. LIX of 1949.

Amendment of Appendix IV to Bom. LIX of 1949.

2. In Appendix IV to the Bombay Provincial Municipal Corporations Act, 1949, in Part II,—

(*1*) in paragraph 7,—

(*a*) to sub-paragraph (2), the following proviso shall be added, namely :—

" Provided that the State Government may by notification in the *Official Gazette* extend the term of office of the councillors for such period, not exceeding in the aggregate two and half years from the date of the passing of this Act, as may be specified in the notification." ;

(*b*) for sub-paragraph (3), the following shall be substituted, namely :—

" (3) If the office of any of the said councillors falls vacant after the coming into force of the Bombay Provincial Municipal Corporations (Amendment) Act, 1951, the vacancy shall not be filled up and no act or proceedings of the Corporation shall be questioned on account of any vacancy thereon."

Bom. of 1951.

(*2*) in paragraph 10, in sub-paragraph (1), after the word and figure " paragraph 7 " the words, brackets and figures " or the period extended under the proviso to the said sub-paragraph (2) of paragraph 7, as the case may be " shall be inserted.

MO-v Bk Hb 192—1

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XXXV OF 1951.]

(As read for the third time and passed b
Legislative Assembly on the
20th August 1951.)

(As read for the third time and passed by the
Legislative Council on the
31st August 1951.)

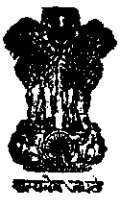
A Bill to amend the Bombay Provincial Municipal Corporations Act, 1949.

[Shri G. D. Vartak, M L.A.]

MO-v Bk Hb 192—2

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS .

REGISTERED No. B-1



The

Bombay Government Gazette

PUBLISHED BY AUTHORITY

TUESDAY, 25TH SEPTEMBER 1951.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

Acts of the Bombay Legislature and Ordinances promulgated and Regulations made by the Governor.

CONTENTS.

PAGES

BOMBAY ACT No. XXVIII OF 1951—An Act to amend the Bombay Provincial Municipal Corporations Act, 1949 177-178

The following Act of the Bombay Legislature having been assented to by the Governor on the 21st September 1951 is hereby published for general information.

J. R. DHURANDHAR,
Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. XXVIII OF 1951.

(First published, after having received the assent of the Governor, in the "Bombay Government Gazette" on the 25th September 1951.)

An Act to amend the Bombay Provincial Municipal Corporations Act, 1949.

Bom. LIX of 1949.

WHEREAS it is expedient to amend the Bombay Provincial Municipal Corporations Act, 1949, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title

1. This Act may be called the Bombay Provincial Municipal Corporations Amendment) Act, 1951.

Bom. LIX of 1949.

Amendment of Appendix IV to Bom. LIX of 1949.

2. In Appendix IV to the Bombay Provincial Municipal Corporations Act, 1949, in Part II,—

(*1*) in paragraph 7,—

(*a*) to sub-paragraph (2), the following proviso shall be added, namely :—

"Provided that the State Government may by notification in the *Official Gazette* extend the term of office of the councillors for such period, not

exceeding in the aggregate two and half years from the date of the passing of this Act, as may be specified in the notification." ;

(*b*) for sub-paragraph (3), the following shall be substituted, namely :—

" (3) If the office of any of the said councillors falls vacant after the coming into force of the Bombay Provincial Municipal Corporations (Amendment) Act, 1951, the vacancy shall not be filled up and no act or proceedings of the Corporation shall be questioned on account of any vacancy thereon." Bom. XXVIII of 1951.

(*2*) in paragraph 10, in sub-paragraph (1), after the word and figure " paragraph 7 " the words, brackets and figures " or the period extended under the proviso to the said sub-paragraph (2) of paragraph 7, as the case may be " shall be inserted.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.